



**TOWN OF WESTFIELD
TOWN COUNCIL
REGULAR MEETING**

**Tuesday, May 26, 2020
8:00 PM**

PROPOSED AGENDA

This agenda is prepared for the information of the public. It is the order of the meeting; however, if changes in order, deletions or additions are made, they will be noted at the time.

1. Roll Call
2. Invocation
3. Salute to the flag
4. Appointments
5. Presentations
6. Advertised Hearings
 1. 2020 Special Improvement District Budget
 2. 2020 Municipal Budget
7. Approval of Minutes from Town Council Regular Meeting held May 12, 2020
8. Petitions and Communications
9. Open discussion by citizens
10. Bills and Claims in the amount of \$306,357.10
11. Reports of Standing Committees

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to draw warrant to refund street opening Cash Bond
2. Resolution authorizing the Chief Financial Officer to refund Recreation Department fees
3. Resolution authorizing the Chief Financial Officer to draw a check for the balance of escrow monies
4. Resolution authorizing the Chief Financial Officer to draw warrants for overpaid taxes for the year 2020
5. Resolution establishing estimated tax rate
6. Resolution to appoint Plumbing Subcode Official
7. Resolution to read municipal budget by title
8. Resolution to adopt the SID budget
9. Resolution to adopt the municipal budget

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

1. GENERAL ORDINANCE NO. 2171
AN ORDINANCE PROVIDING FOR THE IMPLEMENTATION IN THE TOWN OF WESTFIELD OF THE "FIVE YEAR TAX EXEMPTION AND ABATEMENT LAW" PURSUANT TO N.J.S.A. 40A: 21-1

Public Works Committee

12. Reports of Department Heads

Adjournment

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

MAY 26, 2020

WHEREAS, Eric Colby, 316 Hazel Avenue, Westfield, NJ has placed the required cash bond of \$500.00 to cover Road Opening Permit No. 19-106 for 316 Hazel Avenue, and

WHEREAS, Eric Colby has requested that this amount be returned, and

WHEREAS, the Town Engineer has inspected the roadway excavation and has found the excavation to have been properly repaired.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of Eric Colby, 316 Hazel Avenue, Westfield NJ 07090.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

MAY 26, 2020

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Sandy West 448 Birch Place Westfield, NJ 07090	#195 Membership Refund/Pool 03-55-920-202	Pool Membership 2020 Resident/Family of 4 or Less	\$420.00
Michael Hooper 764 Belvidere Ave Westfield, NJ 07090	#195 Membership Refund/Pool 03-55-920-202	Pool Membership 2020 Resident/Family of 4 or less	\$420.00
David Cheney 24 Carol Road Westfield, NJ 07090	#195 Membership Refund/Pool 03-55-920-202	Pool Membership 2020 Resident/Family of 5 or more	\$520.00
Evan Siegel 5 Fairhill Road Westfield, NJ 07090	T-05-600-071 Tennis/Rec	Refund Program Cancelled Jr. Tennis/Spring- Level 1/Tue-5:30 Sadie Siegel	\$118.00

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

MAY 26, 2020

WHEREAS Joe Rizzo, Developer of real property located at 645 Hillcrest Avenue, Westfield, New Jersey, posted an escrow with the Town to guarantee the restoration of the road surface as required by ordinance, and

WHEREAS the Municipality made certain amendments to the ordinance, through the adoption of General Ordinance No. 2169, which removed the requirement for full-width repaving on roads older than 7 years, and

WHEREAS, the developer has requested that the escrow originally posted for this improvement be refunded due to the amendment to the ordinance.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a warrant in the name of Joe Rizzo, for the release of previously held escrow monies, in the total amount of \$9,500.00 and forward same to 237 North 20th Street, Kenilworth, NJ, 07033.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

MAY 26, 2020

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2020:

Block/Lot/Qualifier		Quarter/Year
Name	Property Address	Amount
2706/1	559 Hort Street	Sewer/2020
Estate of Salvatore Petruccelli		<i>\$30.10</i>
Attn: Cristina Sorrell, Executrix		
8542 Easton Ridge Place		
Chesterfield, VA 23832		

TOWN OF WESTFIELD
RESOLUTION
RESOLUTION NO. XXX-2020

FINANCE POLICY COMMITTEE

MAY 26, 2020

WHEREAS, the County Board of Taxation is unable to certify the tax rate throughout the county in a timely fashion and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis; and

WHEREAS, the Municipal Tax Collector, in consultation with the Municipal Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield in the County of Union and the State of New Jersey on this 26th day of May, 2020, as follows:

1. The Municipal Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Town of Westfield for the third installment of 2020 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2020 is hereby set at \$180,889,469.14
3. In accordance with the law, the third installation of 2020 taxes shall not be subject to interest until the later of the end of the grace period, or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

	<u>2020 CERTIFICATION</u>
Municipal	\$28,538,573.97
School	106,150,449.00
Library	2,700,446.17
County	39,587,272.84
Open Space	<u>1,218,257.15</u>
Totals	\$178,612,999.13

Divided by the assessed value of \$8,259,350,694

= Tax rate of 2.163

CERTIFICATION

Calculation of the 2020 Estimated Tax Rate

Proposed 2020 Adopted Municipal Budget
 2020 Adopted School Budget
 2020 Adopted Library Budget
 2020 Proposed County Levy

2019 Tax Levy & Tax Rate			2020 Estimated Range for Levy	
	<u>2019 Levy</u>	<u>Tax rate</u>	<u>95%</u>	<u>105%</u>
Municipal	\$27,976,294.66	0.339	\$26,577,479.93	\$29,375,109.39
School	104,749,790.00	1.270	99,512,300.50	109,987,279.50
Library	2,633,514.00	0.032	2,501,838.30	2,765,189.70
County	40,813,766.08	0.495	38,773,077.78	42,854,454.38
Open Space	<u>1,216,046.29</u>	<u>0.014</u>	<u>1,155,243.98</u>	<u>1,276,848.60</u>
Totals	\$177,389,411.03	2.150	\$168,519,940.49	\$186,258,881.57

Amount to be Raised by Taxation

	<u>2020</u>	<u>Tax Rate</u>	
Municipal	\$28,538,573.97	0.346	(Adopted budget does not exceed 105%)
School	\$106,150,449.00	1.285	(Adopted budget does not exceed 105%)
Library	\$2,700,446.17	0.033	(Adopted budget does not exceed 105%)
County	\$39,587,272.84	0.479	(Estimated budget does not exceed 105%)
Open Space	<u>\$1,218,257.15</u>	<u>0.015</u>	(Estimated budget does not exceed 105%)
Totals	\$178,612,999.13	2.163	

(The Amount to be Raised by Taxation divided by the 2020 Ratable Total of
\$8,259,350,694

= Tax Rate of 2.163)

Prepared and Certified By: / s / Scott H. Olsen
Municipal Chief Financial Officer
License N-0504
5/26/20

/ s / Henry Wang
Municipal Tax Collector
License T-8388
5/26/20

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

MAY 26, 2020

WHEREAS, the position of Plumbing Subcode Official has become available within the Town of Westfield: and

WHEREAS, Gary Junkroft, Building Subcode Official and Inspector for the Town of Westfield has been acting as the Plumbing Subcode Official and Inspector since February 1, 2020, due to the retirement of the Plumbing Subcode Official and Inspector; and

WHEREAS, Frank Vuoso, Construction Official has recommended that Gary Junkroft, be appointed as Plumbing Subcode Official and Inspector; and

WHEREAS, Mr. Junkroft possesses the necessary licenses (#009552) to serve as Plumbing Subcode Official and Inspector; and

NOW, THEREFORE BE IT RESOLVED, that Town Council hereby concurs with the recommendation of the Construction Official and be and hereby approves the appointment of Gary Junkroft as Plumbing Sub Code Official effective retroactive to February 1, 2020; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the New Jersey Department of Community Affairs, Office of Regulatory Affairs.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

MAY 26, 2020

BE IT RESOLVED that as attestation of compliance has been provided pursuant to NJSA 40A:4-8 (1a) and (1b) the 2019 Municipal Budget may be read by title.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO. XXX-2020

FINANCE POLICY COMMITTEE

MAY 26, 2020

BE IT RESOLVED by the Town Council of the Town of Westfield, County of Union, that the Special Improvement District Budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations and authorization of the amount of

\$416,347.00 for Special Improvement District Purposes

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO. XXX-2020

FINANCE POLICY COMMITTEE

MAY 26, 2020

BE IT RESOLVED by the Council of the Town of Westfield, County of Union, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$28,538,573.97 (Item 2, below) for municipal purposes, and \$2,700,446.17 (Item 3, below) for Minimum Library Levy and certification to the County Board of Taxation of the following summary of general revenues and appropriations:

1. General Revenues	
Surplus Anticipated	\$4,505,000.00
Miscellaneous Revenues Anticipated	12,091,832.03
Receipts from Delinquent Taxes	950,000.00
2. Amount to be Raised by Taxation for Municipal Purposes	28,538,573.97
3. Amount to be Raised by Taxation - Minimum Library Levy	<u>2,700,446.17</u>
Total Revenues	<u>\$48,785,852.17</u>

4. <u>General Appropriations</u>	
Within "CAPS"	
Operating including Contingent	\$30,561,049.14
Deferred Charges	4,289,404.00
Excluded from "CAPS"	
Operations	8,001,038.03
Capital Improvements	100,000.00
Municipal Debt Service	3,209,361.00
Deferred Charges-Municipal	145,000.00
Reserve for Uncollected Taxes	2,480,000.00
Total General Appropriations	<u>\$48,785,852.17</u>

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

GENERAL ORDINANCE NO. 2171

**AN ORDINANCE PROVIDING FOR THE
IMPLEMENTATION IN THE TOWN OF WESTFIELD OF
THE “FIVE YEAR TAX EXEMPTION AND ABATEMENT
LAW” PURSUANT TO *N.J.S.A. 40A: 21-1***

WHEREAS, pursuant to the Five-Year Exemption and Abatement Law, *N.J.S.A. 40A:21-1, et seq.* (the “**Law**”), a municipality having within its corporate limits areas in need of rehabilitation or redevelopment, may, by ordinance, provide for the exemption and/or abatement of real property taxes, to encourage and provide incentives for the construction and rehabilitation of dwellings, multiple dwellings, mixed use structures and industrial and commercial structures; and

WHEREAS, on May 12, 2020, the Mayor and Council of the Town of Westfield (the “**Governing Body**”) adopted Resolution No. 108-2020 (the “**Resolution**”) designating the Town’s downtown area, as more particularly depicted and described in Exhibit A to the Resolution, as an area in need of rehabilitation pursuant to *N.J.S.A. 40A:12A-1, et seq.* (the “**Rehabilitation Area**”); and

WHEREAS, the Governing Body desires to provide for real estate tax incentives for dwellings, multiple dwellings, mixed use structures and industrial and commercial structures within the boundaries of the Rehabilitation Area to encourage appropriate and sound development therein; and

WHEREAS, the Law provides for the exemption of assessments on improvements for five years following completion of a project as defined in the Law and the exemption or abatement of property taxes for new construction for a five-year period following completion of the project as defined in the Law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Westfield as follows:

1. **Short Title.**

This article shall be known and may be cited as the “Five-Year Exemption and Abatement Ordinance.”

2. **Applicability.**

This ordinance shall be applicable to all properties located within an area in need of rehabilitation or area in need of redevelopment delineated by the Mayor and Council of the Town of Westfield pursuant to *N.J.S.A. 40A:12A-1, et seq.*

3. **Findings and Purpose.**

The Governing Body finds that *N.J.S.A. 40A:12A-21, et seq.*, authorized by Article 8, § 1, Paragraph 6, of the New Jersey Constitution, permitting municipalities to grant five-year periods of exemptions or abatements, or both, from taxation in areas in need of rehabilitation have proven to be effective in promoting the construction and rehabilitation of residential, commercial and industrial structures in such areas. It is the purpose of this article to permit the Town of Westfield the greatest flexibility possible within the constitutional and statutory limitations to address problems of deterioration and decay through the employment of such exemptions and abatements within areas in need of rehabilitation.

4. **Definitions.**

The definitions of terms set forth in *N.J.S.A. 40A:21-3* are hereby incorporated into this ordinance as if fully set forth at length herein.

5. **Dwellings.**

a. Exemptions for Improvements to Dwellings. This article provides for the exemption from taxation of improvements to dwellings. In determining the value of real property, the Town shall regard the first \$25,000 in the Assessor's full and true value of improvements for each dwelling unit primarily and directly affected by the improvement in any dwelling more than 20 years old as not increasing the value of the property for a period of up to five years, notwithstanding that the value of the property to which the improvements are made is increased thereby.

b. Abatements for Improvements to Dwellings. Any property which receives an exemption pursuant to Section 5(a) of this ordinance shall be provided an abatement of the assessed value of property receiving the exemption as it existed immediately prior to the improvement. In such instance, the abatement shall be granted with respect to that property for a total of five years and the abatement shall be calculated at 30% of the annual amount of the exemption granted herein.

c. Exemptions for Construction of Dwellings or Conversion to Dwelling Use. This article provides for the exemption of a portion of the assessed valuation of construction of new dwellings and of conversions of other buildings and structures, including unutilized public buildings, to dwelling use. In determining the value of real property, the Town shall regard 30% of the Assessor's full and true value of the dwelling constructed, or conversion alterations made, as not increasing the value of the property for five years, notwithstanding that the value of the property upon which the construction or conversion occurs is increased thereby.

d. Abatements for Construction of Dwellings or Conversion to Dwelling Use. Any property which receives an exemption pursuant to Section 5(c) of this article shall be provided an abatement of the assessed value of property receiving the exemption as it existed immediately prior to the construction or conversion alteration. In such instance, the abatement shall be granted with respect to that property for a total of five years and the abatement shall be calculated at 30% of the

total cost of the construction or conversion alteration, however in no event shall the total amount of the abatement granted to any single property exceed the total cost of the construction or conversion alteration.

6. **Multiple Dwellings.**

a. Exemptions for Improvements to Multiple Dwellings or Conversion to Multiple Dwelling Use. This article provides for the exemption from taxation of improvements to multiple dwellings and of conversions of other buildings and structures, including unutilized public buildings, to multiple-dwelling use. In determining the value of the real property, the Town shall regard up to the Assessor's full and true value of the improvements or conversion alterations as not increasing the value of the property for a period of up to five years, notwithstanding that the value of the property to which the improvements or conversion alterations are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements or conversion alterations, with the exemption of the abatement granted pursuant to Section 5(b), unless there is damage to the multiple dwelling through action of the elements sufficient to warrant a reduction.

b. Abatements for Improvements to Multiple Dwellings or Conversion to Multiple Dwelling Use. Any property which receives an exemption pursuant to Section 5(a) of this ordinance shall be provided an abatement of the assessed value of property receiving the exemption as it existed immediately prior to the improvement or conversion alteration. In such instance, the abatement shall be granted with respect to that property for a total of five years and the abatement shall be calculated at 30% of the total cost of the improvement or conversion alteration, however in no event shall the total amount of the abatement granted to any single property exceed the total cost of the construction or conversion alteration.

c. Exemptions and Abatements for Construction of Multiple Dwellings. This article provides for the exemption of a portion of the assessed valuation of construction of new multiple dwellings and abatement of the assessed value of the property receiving the exemption as it existed immediately prior to the construction. The terms of an exemption or abatement provided for under this Section 6(c) shall be set forth in a tax agreement in accordance with the provisions of *N.J.S.A.* 40A:21-8 through 40A:21-12, and Sections 8, 9, and 10 of this ordinance.

7. **Commercial or Industrial Structures.**

a. Exemptions for Improvements to Commercial or Industrial Structures. This article provides for the exemption from taxation of improvements to all commercial or industrial structures. In determining the value of real property, the Town shall regard up to the Assessor's full and true value of the improvements as not increasing the value of the property for a period of up to five years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements unless there is damage to the structure through action of the elements sufficient to warrant a reduction.

b. Exemptions for Construction of Commercial or Industrial Structures. This ordinance provides for the exemption of a portion of the assessed valuation of construction of new commercial or industrial structures on a project-by-project basis approved by resolution of the Mayor and Council. The terms of an exemption or abatement provided for under this Section 7(b) shall be set forth in a tax agreement in accordance with the provisions of *N.J.S.A.* 40A:21-8 through 40A:21-12, and Sections 8, 9, and 10 of this ordinance.

8. **Applications for Tax Exemption and Abatement.**

a. Applications. In accordance with *N.J.S.A.* 40A:21-16, no exemption or abatement shall be granted pursuant to this ordinance except upon written application therefor filed with and approved by the assessor. Every application shall be on a form prescribed by the Director of the Division of Taxation in the State Department of the Treasury and provided for the use of claimants by the municipal Assessor, and shall be filed with the Assessor within 30 days, including Saturdays and Sundays, following the completion of the improvement, conversion, alteration or construction. Every application for exemption, or exemption and abatement, shall be approved and allowed by the assessor to the degree that the application is consistent with the provisions of the adopting ordinance or the tax agreement, provided that the improvement, conversion alteration or construction for which the application is made qualifies as an improvement, a conversion alteration or construction pursuant to the provisions of *N.J.S.A.* 40A:21-1, *et seq.*, and the tax agreement, if required. The granting of an exemption, or exemption and abatement, shall relate back to, and take effect as of, the date of completion of the project, or portion or stage of the project for which the exemption, or exemption and abatement, is granted, and shall continue for five annual periods from that date. The grant of the exemption, or exemption and abatement, or tax agreement shall be recorded and made a permanent part of the official tax records of the taxing district, which record shall contain a notice of the termination date thereof.

b. New Construction of Commercial or Industrial Structures or Multiple Dwellings. In addition to the application set forth in subsection (a), applicants for tax exemption and abatement for new construction of commercial or industrial structures or multiple dwellings shall provide the municipal governing body with an application for a tax agreement setting forth:

- i. a general description of a project for which exemption and abatement is sought;
- ii. a legal description of all real estate necessary for the project;
- iii. plans, drawings and other documents as may be required by the governing body to demonstrate the structure and design of the project;
- iv. description of the number, classes and type of employees to be employed at the project site within two years of completion of the project;
- v. statement of the reasons for seeking tax exemption and abatement on the project, and a description of the benefits to be realized by the applicant if a tax agreement is granted;

- vi. estimates of the cost of completing such project;
- vii. statement showing (1) the real property taxes currently being assessed at the project site; (2) estimated tax payments that would be made annually by the applicant on the project during the period of the agreement; and (3) estimated tax payments that would be made by the applicant on the project during the first full year following the termination of the tax agreement;
- viii. if the project is a commercial or industrial structure, a description of any lease agreements between the applicant and proposed users of the project, and a history and description of the users' businesses;
- ix. if the project is a multiple dwelling, a description of the number and types of dwelling units to be provided, a description of the common elements or general common elements, and a statement of the proposed initial rentals or sales prices of the dwelling units according to type and of any rental lease or resale restrictions to apply to the dwellings' units respecting low- or moderate-income housing; and
- x. such other pertinent information as the governing body may require.

9. **Tax Agreements.**

Upon adoption of a resolution or ordinance authorizing a tax agreement for a particular project under this ordinance, the Mayor shall enter into a written agreement with the applicant for the exemption of local real property taxes. Exemptions or abatements requiring a tax agreement may be approved on a project-by-project basis in the sole discretion of the Mayor, or his/her designee, with the advice of the Assessor and with the consent of Council acting by resolution or ordinance. The agreement shall provide for the applicant to pay to the Town in lieu of full property tax payments an amount annually to be computed by one, but in no case a combination, of the following formulas:

a. Cost basis: the agreement may provide for the applicant to pay to the Town in lieu of full property tax payments an amount equal to 2% of the cost of the project. For the purposes of the agreement, "the cost of the project" means only the cost or fair market value of direct labor and all materials used in the construction, expansion or rehabilitation of all buildings, structures and facilities at the project site, including the costs, if any, of land acquisition and land preparation, provision of access roads, utilities, drainage facilities and parking facilities, together with architectural, engineering, legal, surveying, testing and contractors' fees associated with the project; which the applicant shall cause to be certified and verified to the governing body by an independent and qualified architect, following the completion of the project.

b. Gross revenue basis: the agreement may provide for the applicant to pay to the Town in lieu of full property tax payments an amount annually equal to 15% of the annual gross revenues from the project. For the purposes of the agreement, "annual gross revenues" means the

total annual gross rental and other income payable to the owner of the project from the project. If in any leasing, any real estate taxes or assessments on property included in the project, any premiums for fire or other insurance on or concerning property included in the project or any operating or maintenance expenses ordinarily paid by the landlord are to be paid by the tenant, then those payments shall be computed and deemed to be part of the rent and shall be included in the annual gross revenue. The tax agreement shall establish the method of computing the revenues and may establish a method of arbitration by which either the landlord or tenant may dispute the amount of payments so included in the annual gross revenue.

c. Tax phase-in basis: the agreement may provide for the applicant to pay to the Town in lieu of full property tax payments an amount equal to a percentage of taxes otherwise due, according to the following schedule:

- i. in the first full tax year after completion, no payment in lieu of taxes otherwise due;
- ii. in the second tax year, an amount not less than 20% of taxes otherwise due;
- iii. in the third tax year, an amount not less than 40% of taxes otherwise due;
- iv. in the fourth tax year, an amount not less than 60% of taxes otherwise due; and
- v. in the fifth tax year, an amount not less than 80% of taxes otherwise due.

10. **Provisions Regarding Tax Agreements.**

a. All tax agreements entered into by municipalities pursuant to *N.J.S.A. 40A:21-9* through *40A:21-12* shall be in effect for no more than the five full tax years next following the date of completion of the project.

b. All projects subject to tax agreement as provided herein shall be subject to all applicable federal, state and local laws and regulations on pollution control, worker safety, discrimination in employment, housing provision, zoning, planning and building code requirements.

c. That percentage which the payment in lieu of taxes for a property bears to the property tax which would have been paid had an exemption not been granted for the property under the agreement shall be applied to the valuation of the property to determine the reduced valuation of the property to be included in the valuation of the Town for determining equalization for county tax apportionment and school aid during the term of the tax agreements covering the properties, and at the termination of an agreement for a property, the reduced valuation procedure required under this section shall no longer apply.

d. Within 30 days after the execution of a tax agreement, the Town Clerk shall forward a copy of the agreement to the Director of the Division of Local Government Services in the Department of Community Affairs.

11. **Disqualification of Property Owner; Termination of Tax Agreement.**

a. If during any tax year prior to the termination of the tax agreement the property owner ceases to operate or disposes of the property or fails to meet the conditions for qualifying, then the tax which would have otherwise been payable for each tax year shall become due and payable from the property owner as if no exemption had been granted. The governing body of the Town shall notify the property owner and Tax Collector forthwith, and the Tax Collector shall within 15 days thereof notify the owner of the property of the amount of taxes due. However, with respect to the disposal of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.

b. At the termination of a tax agreement, a project shall be subject to all applicable real property taxes as provided by state law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for and receiving the full benefits of any other tax preferences provided by law.

12. **Assessed value of property under exemption.**

The Assessor shall determine, on October 1 of the year following the date of the completion of an improvement, conversion or construction, the true taxable value thereof. Except for projects subject to tax agreement, pursuant to *N.J.S.A.* 40A:21-9 through 40A:21-12, the amount of tax to be paid for the first full tax year following completion shall be based on the assessed valuation of the property for the previous year plus any portion of the assessed valuation of the improvement, conversion or construction not allowed an exemption pursuant to this ordinance, also pro-rated. Subject to the provisions of this ordinance, the property shall continue to be treated in the appropriate manner for each of up to the five full tax years subsequent to the original determination by the Assessor.

13. **Subsequent Exemptions and Abatements.**

This ordinance provides that an additional improvement, conversion or construction completed on a property granted a previous exemption or abatement pursuant to this article during the period in which such previous exemption or abatement is in effect shall be qualified for an exemption and abatement just as if such property had not received a previous exemption or abatement. In such case, the additional improvement, conversion or construction shall be considered as separate for the purposes of calculating exemptions and abatements pursuant to this ordinance, except that the assessed value of any previous improvement, conversion or construction shall be added to the assessed valuation as it was prior to that improvement, conversion alteration or construction for the purpose of determining the assessed valuation of the property.

14. **Ineligible Properties.**

No exemption or abatement shall be granted, or tax agreement entered into, pursuant to this ordinance with respect to any property for which property taxes are delinquent or remain unpaid or for which penalties for nonpayment of taxes are due. For purposes of this section, the existence of a tax installment agreement shall not be considered; all taxes, penalties and interest due and owing must be paid in full upon application.

15. **Applicable Taxes.**

The exemption of real property taxes provided pursuant to this article shall apply to property taxes levied for municipal purposes, school purposes, county government purposes, special improvement district purposes and for the purposes of funding any other property tax exemptions.

16. **Applicability of Statutory Regulatory Provisions.**

Every application for exemption or abatement and every exemption and abatement granted shall be subject to all the provisions of *N.J.S.A. 40A:21-1, et seq.*, and all rules and regulations issued pursuant thereto.

17. **Notice to Taxpayers.**

The appropriate notice of the adoption of this article shall be included in the mailing of annual property tax bills to each taxpayer owning property in an area subject to this ordinance during the first year following adoption of this ordinance.

18. **Municipal reports.**

a. The Mayor shall report, on or before October 1 of each year, to the Director of the Division of Local Government Services in the Department of Community Affairs and to the Director of the Division of Taxation in the Department of the Treasury the total amount of real property taxes exempted and the total amount abated within the Town in the current tax year for each of the following:

- i.improvements of dwellings;
- ii.construction of dwellings;
- iii.improvements and conversions of multiple dwellings;
- iv.improvements and commercial or industrial structures;
- v.construction of multiple dwellings under tax agreements; and
- vi.construction of commercial or industrial structures under tax agreements.

b. In the case of subsections a.(v) and a.(vi) above, the report shall state instead the total amount of payments made in lieu of taxes according to each formula utilized by the Town and the difference between the total amount and the total amount of real property taxes which would have been paid on the project had the tax agreement not been in effect, for the current tax year.

19. **Amendment.**

Any amendment to this ordinance shall not affect any exemption, abatement, or tax agreement previously granted and in force prior to the amendment.

20. **Severability.**

In the event that any provision of this Ordinance or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this Ordinance which may be given effect, and, to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

21. **Captions; Headings.**

Captions and headings contained in this Ordinance have been inserted only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

22. **Effective Date; Sunset Date.**

This article shall take effect upon adoption and publication as provided by law. Unless this ordinance is readopted by the Mayor and Council of the Town of Westfield, no application for exemptions or abatements shall be filed for exemptions or abatements to take initial effect in the eleventh tax year or any tax year occurring thereafter.